

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRACY SCHWEIHOFFER,

Plaintiff,

CASE NO. 17-14222

HON. MARIANNE O. BATTANI

COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, DENYING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT AND REMANDING CASE**

Plaintiff Tracy Schwehofer brings this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Commissioner denying her claim for Social Security Disability Insurance Benefits ("SSDI"). The case was referred to Magistrate Judge Stephanie Dawkins Davis pursuant to 28 U.S.C. § 636(b)(1)(B) to review the final decision.

The parties filed cross-motions for summary judgment. In a Report and Recommendation ("R&R") dated February 22, 2019, Magistrate Judge Davis recommended that plaintiff's motion for summary judgment be granted, and that defendant's motion for summary judgment be denied, and that the case be remanded to the Commissioner for further proceedings. In her R&R, the Magistrate Judge informed the parties that objections to the R&R needed to be filed within 14 days of service and that a party's failure to file objections would waive any further right of appeal. (ECF No. 16 at 29).

Neither party filed an objection. Because no objection has been filed in this case, the parties waived their right to *de novo* review and appeal. Moreover, this Court agrees with the thorough analysis contained in the R&R.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation, **DENIES** Defendant's Motion for Summary Judgment, **GRANTS** Plaintiff's Motion for Summary Judgment, and **REMANDS** this case to the Commissioner for further proceedings pursuant to Sentence Four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

Date: March 25, 2019

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on March 25, 2019.

s/ Kay Doaks
Case Manager